

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

**DECISION AND ORDER**  
07-CR-193-A

VEDRAN ZAVISIC,

Defendant.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. for supervision of all pretrial proceedings. Defendant filed a motion seeking dismissal of the indictment on the ground that his rights to a speedy trial under the Sixth Amendment to the United States Constitution have been violated. After briefing and oral argument of the motion, on August 15, 2013, Magistrate Judge Schroeder issued a Report and Recommendation (Dkt. No. 23) recommending that defendant's motion to dismiss the indictment based on a violation of his right to a speedy trial under the Sixth Amendment of the Constitution be granted.

On August 28, 2013, the government filed objections to the Magistrate Judge's Report and Recommendation. The defendant filed a response thereto on September 20, 2013. The government filed a reply on September 27, 2013. The Court heard oral argument on October 15, 2013.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which

objections have been made. Upon *de novo* review and after reviewing the submissions of the parties and hearing oral argument, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss the indictment on the ground that his rights to a speedy trial under the Sixth Amendment to the United States Constitution have been violated is granted.

The Clerk of Court shall take all steps necessary to close the case. The Clerk of the Court is also instructed to immediately provide a copy of this Decision and Order to the United States Marshal's Service. The United States Marshal's Service is directed to release defendant Vedran Zavisic from custody.

SO ORDERED.

*s/ Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: November 21, 2013